

Effective 3/28/2016

63G-6a-709 Award of contract -- Cancellation -- Rejection of proposal.

- (1) After the completion of the evaluation and scoring of proposals and the justification statement, including any required cost-benefit analysis, the evaluation committee shall submit the proposals, evaluation scores, and justification statement to the head of the procurement unit or designee for review and final determination of a contract award.
- (2) After reviewing the proposals, evaluation scores, and justification statement, including any required cost-benefit analysis, the head of the issuing procurement unit shall:
 - (a)
 - (i) award the contract as soon as practicable to the responsible offeror with the responsive proposal receiving the highest total score; or
 - (ii)
 - (A) if the head of the issuing procurement unit disqualifies an offeror under Subsection (3) who would otherwise have been awarded a contract, award the contract to the responsible offeror with the responsive proposal receiving the next highest total score; and
 - (B) if the head of the issuing procurement unit disqualifies an offeror under Subsection (3) who would otherwise have been awarded a contract under Subsection (2)(a)(ii)(A), repeat the process described in Subsection (2)(a)(ii)(A) as many times as necessary until a contract is awarded to a responsible offeror who is not disqualified; or
 - (b) cancel the request for proposals without awarding a contract.
- (3) The head of an issuing procurement unit may reject a proposal if:
 - (a) the offeror who submitted the proposal:
 - (i) is not responsible;
 - (ii) is in violation of a provision of this chapter;
 - (iii) has engaged in unethical conduct; or
 - (iv) fails to sign a contract within:
 - (A) 90 days after the contract award, if no time is specified in the solicitation; or
 - (B) a time authorized in writing by the head of the issuing procurement unit;
 - (b) there is a change in the offeror's circumstances that, if the change had been known at the time the offeror's proposal was evaluated, would have caused the proposal not to have received the highest score; or
 - (c) the proposal:
 - (i) is not responsive; or
 - (ii) does not meet the mandatory minimum requirements, evaluation criteria, or applicable score thresholds stated in the solicitation.
- (4) A head of an issuing procurement unit who rejects a proposal under Subsection (3) shall:
 - (a) make a written finding, stating the reasons for the rejection; and
 - (b) provide a copy of the written finding to the offeror whose proposal is rejected.
- (5) If an issuing procurement unit cancels a request for proposals without awarding a contract, the issuing procurement unit shall make available for public inspection a written justification for the cancellation.

Amended by Chapter 355, 2016 General Session